

July 16, 2003

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L02P0006**
Proposed Ordinance no. **2003-0256**

WORLINE HEIGHTS
Preliminary Plat Application

Location: On 10th Avenue South, approximately 250 feet south of the South 116th Street and 10th Avenue South intersection

Applicant: **James Worline**
11729 10th Avenue South
Seattle, WA 98168
Telephone: (206) 242-8641

King County: Department of Development and Environmental Services
represented by **Trishah Bull & Bruce Whittaker**
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 296-6758 and 296-7211
Facsimile: (206) 296-6644 and 296-6613

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:
Department's Final Recommendation:
Examiner's Decision:

Approve, subject to conditions
Approve, subject to revised conditions
Approved, subject to conditions

EXAMINER PROCEEDINGS:

Hearing Opened:

July 15, 2003

Hearing Closed:

July 15, 2003

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner/Developer: James Worline
11729 10th Avenue South
Seattle, WA 98168
(206) 242-8641

Engineer: Harold M. Duncanson
Duncanson Company, Inc.
145 SW 155th Street, Suite 102
Burien, WA 98166-2591
(206) 244-4141

STR: NE 08-23-04

Location: The property is located on 10th Avenue South, approximately 250 feet south of the intersection of South 116th Street and 10th Avenue South.

Zoning: R-6
Acreage: 1.84 acres
Number of Lots: 12
Density: 1.09 units per acre
Lot Size: Ranges from approximately 3,500 to 6,400 square feet
Proposed Use: Single-family detached dwellings
Sewage Disposal: Val Vue Sewer District
Water Supply: King County Water District #20
Fire District: King County District #11
School District: Highline School District #401

Complete Application Date: January 7, 2003

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the July 15, 2003, public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.

3. James Worline has submitted a preliminary plat application to subdivide 1.84 acres into 12 lots for single-family residential development. The R-6 zoning for the property supports development at a density of 11 lots, with the 12th lot being created for moderate-income housing pursuant to Residential Density Incentives provisions. This is an infill development within the established Boulevard Park neighborhood.
4. A surface water adjustment has been approved for Worline Heights in order to divert drainage flows away from the northern property line to a drainage vault to be located at the plat's northeast corner. This diversion will eliminate nuisance sheet flows onto the property directly north of the plat. The Applicant has also received a road variance for intersection spacing. As an older developed neighborhood, Boulevard Park in many locations lacks sidewalk amenities. Staff has investigated the walkway conditions for students who will walk to nearby schools and has determined that adequate shoulder widths exist along those portions of the walking routes that lack sidewalks.

CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat of Worline Heights, as revised and received on February 28, 2003, is APPROVED subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density (and minimum density) requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.

4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The Applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
 - d. The stormwater detention facility shall be designed to the Level 1 flow control methodology as outlined in the 1998 King County Surface Water Design Manual (KCSWDM). The stormwater facilities shall also meet the requirements of the basic water quality menu.

A surface water adjustment (L03V0001) is approved for this subdivision. All conditions of approval for this adjustment shall be met upon submittal of the engineering plans.
7. **OFFSITE DRAINAGE:** A new offsite drainage conveyance system shall be provided as needed, northerly on the west side of 10th Avenue South and westerly along the south side of South 116th Street. This system shall be designed in conformance with Core Requirement 4 of the KCSWDM. Note that a conceptual drawing of this proposed system was received February 28, 2003.

8. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
 - a. South 117th Street, the internal access road, shall be designed to the urban minor access road standard. Additional right-of-way shall be dedicated in the cul-de-sac bulb for the future construction of a minor access street to the abutting property to the south.
 - b. FRONTAGE: The frontage along 10th Avenue South (west side only) shall be improved to the urban neighborhood collector standard.
 - c. Tracts B and C shall be designed as joint use driveways per Section 3.01 of the KCRS. These tracts shall be owned and maintained by the lot owners served by the driveways.
 - d. Modifications to the above conditions may be considered according to the provisions in Section 1.08 of the KCRS.
 - e. A Road Variance, L03V0026, for intersection spacing was submitted for this subdivision.
9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
10. The Applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The Applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
11. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
12. There shall be no direct vehicular access to or from 10th Avenue South from those lots which abut it. A note to this effect shall appear on the engineering plans and final plat.
13. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the face of the final plat.

14. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
15. Preliminary plat review has identified the following specific requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the Applicant.

Geotechnical

- a. Determine the top, toe, and sides of 40% slopes by field survey. Provide a 10-foot buffer and 15-foot building setback line from these slopes.
- b. The following note shall be shown on the final engineering plan and recorded plat:

RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE AREAS AND BUFFERS

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

16. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - a. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
 - b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
17. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
18. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The Applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The Applicant shall contact Metro Service Planning at 684-1622 to determine if 10th Avenue South is on a bus route. If 10th Avenue South is on a bus route, the street tree plan shall also be reviewed by Metro.

- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
 - i. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
19. The Applicant is utilizing the provisions of King County Code 21A.34.040.F.1 to achieve 1 additional lot. These provisions provide density incentives to developers of residential lands in exchange for public benefits. The Applicant is proposing to utilize the provisions related to Affordable Housing. This will require the moderate income housing unit to be reserved for income- and asset-qualified home buyers. Prior to engineering plan approval, the Applicant shall provide documentation (from King County Housing Authority) and demonstrate to DDES how compliance with KCC 21A.34.040.F.1 (affordable housing) can be achieved. If this cannot be achieved, the number of lots shall be reduced accordingly. Notes regarding the affordable housing requirement shall be shown on the engineering plans and final plat

ORDERED this 16th day of July, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 16th day of July, 2003, to the parties and interested persons of record:

Dr. Allethia Allen	Carol Glithero	Kim Claussen
Donald L. Allred	Rebecca Lind	Nick Gillen
Kelly Casteel	Virginia Messmer	Kristen Langley
Seattle/K.C. Health Dept	Kay & Ted Norman	Carol Rogers
Harold Duncanson	Julie Shriner	Steve Townsend
Grant S. Erben	James Worline	Larry West
Steve Fiksdal	Greg Borba	Bruce Whittaker
Margaret & Ross Flett	Trishah Bull	

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before July 30, 2003***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the

Clerk of the King County Council ***on or before August 6, 2003***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room W572, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the

Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE July 15, 2003 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L02P0006.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Trishah Bull, Bruce Whittaker, and Kristen Langley, representing the Department; and Kelly Casteel, representing the Applicant.

The following exhibits were offered and entered into the record:

- | | |
|----------------|---|
| Exhibit No. 1 | Department of Development and Environmental Services file no. L02P0006 |
| Exhibit No. 2 | Department of Development and Environmental Services preliminary report dated July 15, 2003 |
| Exhibit No. 3 | Application received on April 16, 2002 |
| Exhibit No. 4 | Environmental checklist received January 7, 2003 |
| Exhibit No. 5 | Determination of non-significance mailed May 23, 2003 |
| Exhibit No. 6 | Affidavit of posting indicating January 31, 2003, as date of posting and February 3, 2003, as the date the affidavit was received by DDES |
| Exhibit No. 7 | Preliminary plat map received February 28, 2003 |
| Exhibit No. 8 | Land use map, Kroll page 313 E |
| Exhibit No. 9 | Assessor's maps: NE-8-23-4 and NW 08-23-4 |
| Exhibit No. 10 | Preliminary technical information report by Duncanson Company, Inc., with revision date of January 6, 2003 |
| Exhibit No. 11 | L03V0026 – approved road variance dated May 27, 2003 |
| Exhibit No. 12 | L02V0085 – approved KCSWDM adjustment date March 27, 2003 |
| Exhibit No. 13 | Visual site reconnaissance and slope setback recommendations received April 16, 2003 |
| Exhibit No. 14 | Letter from Duncanson Company, Inc., regarding residential density incentive; dated November 20, 2002 |
| Exhibit No. 15 | Pedestrian walkway inventory received January 6, 2003 |
| Exhibit No. 16 | Drainage narrative from Harold Duncanson, received email February 11, 2003 |
| Exhibit No. 17 | Additional sentence to be included in recommendation 8.a. of DDES report |